

2003 DRAFTING REQUEST**Bill**Received: **11/25/2002**Received By: **pdykman**Wanted: **As time permits**Identical to LRB: **01-4154/1**For: **Marlin Schneider (608) 266-0215**By/Representing: **him**This file may be shown to any legislator: **NO**Drafter: **pdykman**

May Contact:

Addl. Drafters: **jkuesel**Subject: **Legislature - miscellaneous
Elections - campaign finance**Extra Copies: **RJM - 1
JK - 1
RAC - 1**Submit via email: **YES**Requester's email: **Rep.Schneider@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restore legislative caucus staffs; Political services by state officers and employees

Instructions:

Per 01 AB 693.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pdykman 11/26/2002	kgilfoy 12/02/2002					
/1			rschluet 12/05/2002		amentkow 12/05/2002	mbarman 12/05/2002	

FE Sent For: . .

*none
needed*

<END>

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12/05/2002 10:10:31 AM

Page 2

FE Sent For: . .

<END>

DNOTE

LRB-0938

2003 DRAFTING REQUEST

Bill

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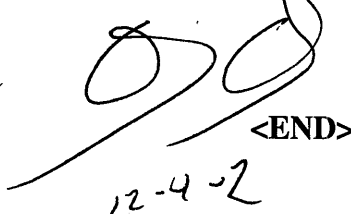
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1	jkuesel/11/29	11-12/2					
FE Sent For:		King					


<END>
12-4-2

2001 ASSEMBLY BILL 693

PWF all amended stats.

December 21, 2001 - Introduced by Representative SCHNEIDER. Referred to Committee on Assembly Organization.

AN ACT *to renumber and amend* 11.36 (1); *to amend* 13.14 (3), 13.20 (1), 20.923 (6) (h) and 230.08 (2) (f); and *to create* 11.36 (1) (b) of the statutes; **relating to:** restoration of legislative partisan caucus staffs and solicitation or receipt of services for a political purpose from state officers and employees.

Analysis by the Legislative Reference Bureau

This bill permits the joint committee on legislative organization (JCLO) or either house of the legislature to employ such number of research staff assigned to legislative party caucuses as in the judgment of JCLO or the committee on organization of either house are necessary to enable it to perform its functions and duties and to best serve the people of this state. ~~2001 Wisconsin Act (Senate Bill 279) eliminated this authority beginning on January 1, 2002.~~ This bill does not increase the number of positions authorized for the assembly or the senate.

Currently, with limited exceptions, no person may solicit or receive from any state officer or employee any service for a political purpose while the officer or employee is engaged in his or her official duties. This bill creates an exception which permits a partisan elective state official to solicit and receive services for a political purpose from a state officer or employee who is assigned to a party caucus during the period beginning on June 1 immediately preceding a general election and the day of

ASSEMBLY BILL 693

that election, or during the period beginning 30 days before a special election for a partisan state office and the day of that election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 11.36 (1) of the statutes is renumbered 11.36 (1) (intro.) and
2 amended to read:

3 11.36 (1) (intro.) No person may solicit or receive from any state officer or
4 employee or from any officer or employee of the University of Wisconsin Hospitals
5 and Clinics Authority any contribution or service for any political purpose while the
6 officer or employee is engaged in his or her official duties, except that an:

7 (a) An elected state official may solicit and receive services not constituting a
8 contribution from a state officer or employee or an officer or employee of the
9 University of Wisconsin Hospitals and Clinics Authority with respect to a
10 referendum only.


11 (1m) Agreement to perform services authorized under ~~this subsection~~ sub. (1)
12 may not be a condition of employment for any such officer or employee.

13 **SECTION 2.** 11.36 (1) (b) of the statutes is created to read:

14 11.36 (1) (b) A partisan elective state official may solicit and receive services
15 not constituting a contribution from a state officer or employee who is assigned to a
16 party caucus authorized under s. 13.20 (1) during the period beginning on June 1
17 immediately preceding a general election and ending on the day of that election, or
18 during the period beginning 30 days before a special election for a partisan elective
19 state office and ending on the day of that election.

20 **SECTION 3.** 13.14 (3) of the statutes, ~~as affected by 2001 Wisconsin Act~~ ✓

21 (Senate Bill 279) is amended to read:



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1 13.14 (3) TRAVEL; LEGISLATIVE PERSONNEL. The actual and necessary expenses
2 of legislative policy research personnel, assistants to legislators, and research staff
3 assigned to legislative committees and party caucuses incident to attending
4 meetings outside the capital shall be reimbursed from the appropriation under s.
5 20.765 (1) (a) or (b).

6 SECTION 4. 13.20 (1) of the statutes, ~~as affected by 2001 Wisconsin Act~~ ✓
7 ~~(Senate Bill 279)~~ is amended to read:

8 13.20 (1) NUMBER AND PAY RANGE OF LEGISLATIVE EMPLOYEES. The legislature or
9 either house thereof may employ under the unclassified service such policy research
10 personnel, assistants to legislators, and research staff assigned to legislative
11 committees and party caucuses and such clerical, professional, or other assistants
12 as in the judgment of the joint committee on legislative organization or the
13 committee on organization in each house are necessary to enable it to perform its
14 functions and duties and to best serve the people of this state, ~~except that the~~
15 ~~legislature or a house thereof may not employ a person for, or assign a person to, a~~
16 ~~party caucus.~~

17 SECTION 5. 20.923 (6) (h) of the statutes, ~~as affected by 2001 Wisconsin Act~~ ✓
18 ~~(Senate Bill 279)~~ is amended to read:

19 20.923 (6) (h) Legislature: policy research personnel, assistants to legislators,
20 research staff assigned to legislative committees and party caucuses, and other
21 persons employed under s. 13.20.

22 SECTION 6. 230.08 (2) (f) of the statutes, ~~as affected by 2001 Wisconsin Act~~ ✓
23 ~~(Senate Bill 279)~~ is amended to read:

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230.08 (2) (f) All legislative officers and, in addition, policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses, and other persons employed under s. 13.20.

SECTION 7. Effective date.

(1) This act takes effect on January 1, 2002, or on the day after publication, whichever is later.

(END)

-0938/1

LRB-4154/1dm
JTK&RJM:kmg:jf

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date
November 7, 2001

AA
Representative Schneider:

It is well-established that expenditures of public moneys may only be made for a public purpose. *State ex rel. Warren v. Nusbaum*, 59 Wis. 2d 391, 413-414 (1973). The courts have liberally construed what constitutes a public purpose and have accorded the legislature considerable latitude in applying this principle. Nevertheless, proposed s. 11.36 (1) (b), which expressly authorizes the use of state employee services for political purposes may be argued to fall outside the permitted boundary. In answer to this contention, it could be asserted that, in general, public financing of political campaigns is a permissible allocation of public moneys. *Buckley v. Valeo, et al.* 96 S.Ct. 612, 668-669 (1976). The allocation of public resources approved under *Buckley* is different than the one that might emerge under this proposal, however, because the allocation under this proposal is available only to incumbents. Please let us know if you would like to discuss this issue further.

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to perform political
resources
me

would be

Jeffery T. Kuesel
Managing Attorney
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Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0938/1dn
JTK:kmg:rs

December 4, 2002

Representative Schneider:

It is well-established that expenditures of public moneys may only be made for a public purpose. *State ex rel. Warren v. Nusbaum*, 59 Wis. 2d 391, 413-414 (1973). The courts have liberally construed what constitutes a public purpose and have accorded the legislature considerable latitude in applying this principle. Nevertheless, proposed s. 11.36 (1) (b), which expressly authorizes the use of certain state employees to perform political services, may be argued to fall outside the permitted boundary. In answer to this contention, it could be asserted that, in general, public financing of political campaigns is a permissible allocation of public moneys. *Buckley v. Valeo, et al.* 96 S.Ct. 612, 668-669 (1976). The allocation of public resources approved under *Buckley* is different than the one that might emerge under this proposal, however, because the resources under this proposal would be available only to incumbents. Please let me know if you would like to discuss this issue further.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Barman, Mike

From: Schneider, Marlin
Sent: Thursday, December 05, 2002 12:26 PM
To: LRB.Legal
Subject: Draft review: LRB-0938/1 Topic: Restore legislative caucus staffs; Political services by state officers and employees

It has been requested by <Schneider, Marlin> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0938/1 Topic: Restore legislative caucus staffs; Political services by state officers and employees

Barman, Mike

From: Barman, Mike
Sent: Wednesday, January 22, 2003 11:12 AM
To: Baldus, John
Cc: Rep.Schneider
Subject: Requested PDF's



03-0938/1



03-0938/1dn



03-0943/1



03-0945/1



03-0946/1



03-0947/1



03-0958/1



03-0959/1



03-0959/1dn



03-0972/1



03-0972/1dn

Mike Barman

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(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
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